

## APPROVED MINUTES

### KITTERY TOWN COUNCIL

December 22, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Judy Spiller and Ken Lemont.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated that Attorney MacEachern would be speaking relative to the KPA under Item 9.

The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff stated relative to the traffic light at Haley Road, that in order to change the light, the whole intersection might need to be upgraded.

Town Manager Puff noted there was now a permanent assisted listening device in Council Chambers

Town Manager Puff indicated that Town Hall would be closing at 1 PM on Christmas Eve and 3 PM on New Year's Eve.

7. Acceptance of Previous Minutes –11/3/14, 11/24/14 & 12/8/14 (Special Meeting)

The minutes of 11/3/14, 11/24/14 & 12/8/14 were accepted as presented.

8. Interviews for the Board of Appeals and Planning Board –

**Board of Appeals**

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- Jeffrey Brake until 3/1/17 (to fill Vern Gardner's prior term)

**COUNCILOR SPILLER MOVED TO APPOINT JEFFREY BRAKE TO THE BOARD OF APPEALS FOR A TERM ENDING 3/1/7, SECONDED BY COUNCILOR DENAULT.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

Town Attorney MacEachern came to the podium and stated relative to amending the Charter of the KPA, that it could be done by going to the Legislature or changing it by Town Charter. He stated that the KPA was created by the Legislature and not by the municipality. Attorney MacEachern noted that if the Town decided to move forward with amending the Town Charter, it would need to be decided whether the change was a revision or an amendment. He continued that if it was deemed to be a revision, it would be subject to a Charter Commission review and they could end up making more changes to the Charter and could be a lengthy process. Town Attorney MacEachern stated that if it were sent to the Legislature, they would also be able to make more changes. He continued that it would be best for the town to decide how they wanted to proceed and they could go from there.

Chairperson Thomson noted they were waiting to receive some correspondence from the KPA in early January relative to this matter, and thought they should wait to receive that and then decide where to go from there.

### 10. PUBLIC HEARINGS -

- a. (120214-1) The Kittery Town Council moves to hold a public hearing on an application from Melissa Elworthy, 4 Sea Salt Spray Lane, York, Maine for a Victualer's License for Cupcake Charlie's, 345 US Route 1.

Chairperson Thomson stated this public hearing was advertised in the local, printed media on December 12, 2014. Chairperson Thomson then opened the public hearing, and no response being heard, closed the public hearing.

**COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM MELISSA ELWORTHY, 4 SEA SALT SPRAY LANE, YORK,, MAINE FOR A VICTUALER'S LICENSE FOR CUPCAKE CHARLIE'S, 345 US ROUTE 1, SECONDED BY COUNCILOR WHITE.**

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**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

11. Discussion

a. Discussion by members of the public –

Jim Forbes came the podium and indicated that he had attended the earlier workshop on board appointments. He continued that he hoped that Council would consider the other boards and commissions in town as important as they were. Mr. Forbes stated the most experienced candidates with a lack of special interests should be appointed, not just who was first on the list. He indicated he thought Council should consider this when rewriting the rules.

b. Response to public comment directed at a particular Councilor - None

c. Chairperson's response to public comments - None

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

b. (120214-2) The Kittery Town Council moves to approve the disbursement warrants.

**COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

c. (120214-3) The Kittery Town Council moves to approve a renewal application from The Ares, LLC, 68 Wallingford Square, Kittery for a Malt and Vinous Liquor License for AJ's Wood Grill Pizza, 68 Wallingford Square.

**COUNCILOR WHITE MOVED TO APPROVE A RENEWAL APPLICATION FROM THE ARES, LLC, 68 WALLINGFORD SQUARE, KITTERY FOR A MALT AND VINOUS LIQUOR LICENSE FOR AJ'S WOOD GRILL PIZZA, 68 WALLINGFORD SQUARE, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

d. (120214-4) The Kittery Town Council moves to approve and sign the School Department policy on Disbursement Warrants for School Employees Wages and Benefits to expire on November 30, 2015.

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**COUNCILOR LEMONT MOVED TO APPROVE AND SIGN THE SCHOOL DEPARTMENT POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL EMPLOYEES WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2015, SECONDED BY COUNCILOR WHITE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

e. (120214-5) The Kittery Town Council moves to ratify and sign a three year labor contract from July 1, 2014 thru June 30, 2017, for the Police Department Dispatchers, Administrative/Clerical, Technical and units.

**COUNCILOR WHITE MOVED TO RATIFY AND SIGN A THREE YEAR LABOR CONTRACT FROM JULY 1, 2014 THRU JUNE 30, 2017, FOR THE POLICE DEPARTMENT DISPATCHERS, ADMINISTRATIVE/CLERICAL, TECHNICAL AND UNITS, SECONDED BY CHAIRPERSON THOMSON.**

**A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 5/1.**

f. (120214-6) The Kittery Town Council moves to sign a Release Deed, releasing the tax liens to BWF Management, LLC for property located at 5 Whipple Road, Kittery, Maine identified as Assessor's Tax Map 9, Lot 134.

**COUNCILOR WHITE MOVED TO SIGN A RELEASE DEED, RELEASING THE TAX LIENS TO BWF MANAGEMENT, LLC FOR PROPERTY LOCATED AT 5 WHIPPLE ROAD, KITTERY, MAINE IDENTIFIED AS ASSESSOR'S TAX MAP 9, LOT 134, SECONDED BY CHAIRPERSON THOMSON.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault indicated that he had an issue with a member of the KCC Board being hired to oversee the installation of boilers at the KCC. He continued he did not see why the town would do that and that it raised a lot of red flags for him. Town Manager Puff responded that it fell under the \$5000 procurement purchase allotment which she was allowed to decide on. She indicated that she would follow up her comments in a memorandum.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

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Chairperson Thomson stated that they would be having a workshop with the Planning Board on January 5, 2015.

### b. Committee Reports –

Chairperson Thomson stated that the KCC Board had met the previous week relative to the Library's parking lot proposal. He continued that the Library had come forward with additional information and relayed that to Council.

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

**COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 7:43 P.M.**